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Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Department of the Navy--Request for  
Modification of Remedy

**File:** B-246869.2

**Date:** May 29, 1992

Ronald K. Henry, Esq., Baker & Botts, for the protester.  
Brian Kau, Esq., Department of the Navy, for the agency.  
Jennifer Westfall-McGrail, Esq., and Christine S. Melody,  
Esq., Office of the General Counsel, GAO, participated in  
the preparation of the decision.

### DIGEST

Prior decision is modified to delete recommendation that  
awardee's contract be terminated for convenience where  
agency demonstrates that termination of ongoing tasks would  
not be practical; instead, the General Accounting Office  
recommends that options not be exercised and that any tasks  
arising during portion of base year remaining after award of  
a contract to the protester be assigned to the protester.

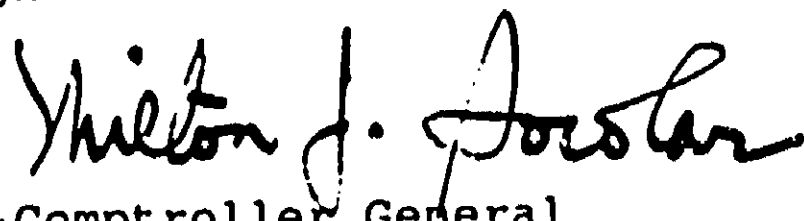
### DECISION

The Department of the Navy requests modification of our  
recommendation in Evaluation Research Corp., B-246869,  
Apr. 7, 1992, 92-1 CPD ¶ \_\_\_\_.

Evaluation Research Corp. (ERC) protested the award of a  
contract to General Electric-Government Services, Inc. (GE)  
under request for proposals (RFP) No. N60921-91-R-A316,  
issued by the Naval Surface Warfare Center for technical and  
engineering support services for electromagnetic compati-  
bility improvement programs. The RFP provided for award of  
a cost-plus-fixed-fee contract to the technically acceptable  
offeror with the lowest realistic cost for the base and  
option periods. We found that but for an error in the  
computation of ERC's general and administrative costs, its  
proposal would have been determined low. Accordingly, we  
sustained the protest. We recommended that the Navy termi-  
nate the award to GE for the convenience of the government  
and make award to ERC. In addition, we found that ERC was  
entitled to recover the costs of filing and pursuing the  
protest, including reasonable attorneys' fees.

In its request for modification of our recommendation, the Navy notes that performance under GE's contract was not suspended since ERC's protest was not filed within 10 days after the award and that GE is now more than 7 months into performance of the contract's 1-year base period. According to the Navy, timely completion of a number of the tasks undertaken by GE can be assured only through the continued involvement of GE personnel since only these individuals have access to the information generated during already completed phases of the task. The Navy argues that termination of the award to GE would require that the tasks be started over, resulting in duplication of costs and delay in completion of the tasks. The Navy therefore requests that we modify our recommendation to permit the completion of ongoing tasks by GE, with any new tasks arising during the remainder of the base year to be assigned to ERC,<sup>1</sup> and to require that the options under GE's contract not be exercised. ERC has notified us that it does not object to this modification of the recommendation.

Since it appears that our original recommendation is not practical, we modify our recommendation as proposed by the Navy. The options in the GE contract should not be exercised and any tasks initiated during the portion of the base year remaining after award of a contract to ERC should be assigned to ERC.

*for*   
Comptroller General  
of the United States

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<sup>1</sup>The Navy estimates that an award to ERC will be made on or around June 1, 1992.